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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,687	06/25/2003	Masayuki Takami	I-437	1359
23400 7590 04/21/2008 POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191				
EXAMINER				
SMITS, TALIVALDIS IVARS				
ART UNIT		PAPER NUMBER		
2626				
MAIL DATE		DELIVERY MODE		
04/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/602,687

Applicant(s)

TAKAMI ET AL.

Examiner

Talivaldis Ivars Smits

Art Unit

2626

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 11 is/are allowed.
- 6) ☒ Claim(s) 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In response to the Final Rejection mailed 10/12/2007, applicant has submitted an Amendment After Final, filed 3/12/2008, amending independent claim 10, canceling claims 7-9 and 15-16, and arguing for the allowability of the remaining pending claims 10-13, claims 1-6 and 14 having been previously canceled.

Response to Arguments

2. Applicant's arguments with respect to the limitations already present in the original claim 10 have been fully considered and are persuasive. The Final Rejection of has been withdrawn, and, no new prior art having been found, an Ex Parte Quayle action appears below, there still being a 35 USC 112 paragraph 2 problem in claim 12, detailed below, as well as informalities in the Title and Abstract of the Specification, objected to next.

Specification

3. The Abstract of the disclosure is objected to because it fails to mention the subject matter making claim 10 allowable. Specifically, it fails to mention that the voice control system substitutes the other of a pair of opposite commands if the speech recognizer interprets the command input as not being selectable at the given system state. Correction is required. See MPEP § 608.01(b).

The Title of the invention is not sufficiently descriptive. A new title is required that is clearly indicative of the allowable subject matter in the invention to which the claims are directed. The following title is suggested: "Voice control system substituting the oppositely-working command in a pair if the recognized command is not selectable for the given system state".

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites that the substituting unit **does not** substitute the other of the reciprocal pair of oppositely-working commands if the recognized one of the pair is not selectable for the given system state. This contradicts the limitation of parent claim 10 which recites that under the same conditions it **does** make this substitution.

Allowable Subject Matter

6. Claims 10 and 11 are allowed over the prior art of record. The following is an examiner's statement of reasons for allowance:

Claim 10 is allowed because it recites that if the voice command recognizer recognizes the input command as one of a reciprocal pair of oppositely-working

commands which is not selectable for the given system state, it substitutes therefor the other of the reciprocal pair.

While Kaneyoshi teaches the substitution of a selectable command, the selection does not take into account whether the selectable command is one of a reciprocal pair, but chooses the most probable command without checking whether the recognized command is one of an oppositely-working pair.

New reference Kitaoka et al., while disclosing substituting the other of a recognized command from a reciprocal pair of oppositely-working commands if other commands in the group of similar-sounding commands has a high similarity thereto, but the candidate commands in question are all selectable in the given system state, while the recognized command merely performs an operation that cannot be easily undone.

Claim 11 is allowed because it further limits its independent claim 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Claims 12 and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

Claim 12 has allowable subject matter, because the prior art of record does not teach **not substituting the other** of a reciprocal pair for a recognized reference command that is one of a pair of commands working oppositely to each other, even though it is selectable for the given system state.

Claim 13 has allowable subject matter because it further limits claim 12.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Talivaldis Ivars Smits whose telephone number is 571-272-7628. The examiner can normally be reached on 8:25 a.m. to 4:55 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Talivaldis Ivars Smits/
Primary Examiner, Art Unit 2626

4/16/2008

